BEFORE THE

PULLUTION CONTROL HEARINGS BOARD

IN THE NATTER OF THE APPEAL OF LIANGA PACIFIC, INC. PROM PENALTY ASSESSED BY PUGET SOUND AIR POLLUTION CONTROL AGENCY

HB NO. 70-14

ORDER AFFIRMING PENALTY

This is an appeal by Lianga Pacific, Inc. from a civil panalty of \$250.00 by the Puget Sound Air Pollution Control Agency, for the burning of waste material on September 23, 1970. It came on for hearing before the Pollution Control Hearings Board (James T. Sneeny and Matthew W. Hill, the latter being the Presiding Officer), on March 17, 1971, in Tacora, Washington. The Puget Sound Air Pollution Control Agency presented as exhibits, pictures of the fire in question, and testimony as to the type of material being burned, and testimony that no approval had been given for the fire, Lianga Pacific, Inc. presented its testimony, explaining its reasons for the burning.

From the evidence presented, the Board makes the follow-

FINDINGS OF FACT

The outdoor fire in question was of waste material from construction work, and as shown by the pictures taken of it, was of substantial size. Such a fire was in violation of Section 9.02 of the Regulations of the Puget Sound Air Pollution Control Agency.

and Lianga Pacific, Inc. had been warned that such a fire would be a violation of the Agency's Regulations.

The defense, in essence, was not a denial of the fire or the lack of approval from the Agency, but rather that Lianga Pacific, Inc. was the victim of discrimination in that others burned in violation of the regulation and were not penalized

From these facts, the Pollution Control Hearings Board concludes that Lianga Pacific, Irc. is guilty of a violation of Regulation 9.02 of the Puget Sound Air Pollution Agency, and that under the circumstances, the fine of \$250.00 is permissible and not unreasonable.

And pased on the foregoing Findings and Conclusions, the penalty appealed from is affirmed.

DONE at Olympia, Washington this 6th day of April, 1971.

POLLUTION CONTROL REARINGS BOARD

Matthew W. Hill, Chairman

James T. Sheehy, Member

Walt Woodward, Member